IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 9862 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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BHAVANBHAI NATHABHAI RANGANI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 9862 of 2001

MR PRAVIN GONDALIYA for Petitioner No. 1-4

MR VM PANCHOLI, LD.ADDL.PUBLIC PROSECUTOR for Respondent No. 1

MR UTPAL M PANCHAL for Respondent No. 2

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 18/04/2002

ORAL JUDGEMENT

#. Rule. Mr.V.M.Pancholi, learned APP waive service of rule on behalf of respondent No.1. Mr.Utpal M. Panchal, appears and waive service of rule on behalf of respondent

No.2.

#. By their consent the application is being heard and disposed of finally.

#. During the course of hearing it has come out that the mother of respondent No.2 had filed FIR, which has been registered as CR No.I-733/2001 and it has been placed at Annexure-B at page 16. Thereafter, respondent No.2 has filed the impugned complaint which has been referred to the police station and there it has been registered as M Case No.42/2001, which has been placed at page-10 to the application. It transpires from the comparison of the two FIRs that the petitioners No.3 and 4 have been cited as accused persons in the said FIR filed by respondent No.2. However, they are not shown as accused persons in the FIR filed by the mother of the respondent No.2, which has been placed at page-16.

#. Therefore, by consent, it is stated that the present contesting respondent - Indubhai Mavjibhai Alvadia shall approach the Police Investigating Officer of Rajkot Taluka Police Station and the concerned Police Officer of the Police Station shall record the statement of this respondent in CR No.I-733/2001 by way of further investigation under Section 173 (8) of Criminal Procedure Code, 1973. If something is found out, the concerned Investigating Officer shall enter into further investigation and submit further report before the trial Court in accordance with the law.

#. The above order has been passed by consent of the parties and application is ordered to be disposed of accordingly. Rule is made absolute to the above extent.

#. In above view of the matter, the impugned FIR being M-Case No.42/2001 registered with Malaviyanagar Police Station at Rajkot City is ordered to be quashed.

(D. P. BUCH, J.)

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